

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Case No. 4:18-cv-00442-ALM

David Folkenflik, et al.,

Defendants

DECLARATION OF TY CLEVENGER

My name is Ty Clevenger, I am greater than 18 years of age and competent to testify, and I do testify as follows under penalty of perjury under the laws of the United States, as witnessed by my signature below:

I represent the Plaintiff, Edward Butowsky, in the case identified above.

I played no role in drafting the original, first, or second amended complaints in this case, and a limited role in drafting the third amended complaint. I was originally retained in this case for the sole purpose of getting Steven Biss admitted *pro hac vice*, after which he would be fully responsible for all aspects of the Mr. Butowsky's representation.

I have been representing *Mr. Butowsky in Edward Butowsky v. Michael Gottlieb, et al.*, Case No. 4:19-cv-00180-ALM-kpj (E.D.Tex.) since it was filed, and I am Mr. Butowsky's only attorney in that case. The facts in *Gottlieb* overlap substantially with the facts in this case. As a courtesy to Mr. Butowsky and Mr. Biss, and because of the overlap between *Gottlieb* and this case, I sometimes issued identical or nearly-identical subpoenas out of both cases at the same time. Until February of 2020, that was the extent of my involvement in this case.

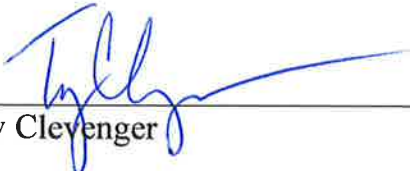
After the motion for sanctions was filed by the Defendants, it became necessary for me to assume full responsibility for all aspects of Mr. Butowsky's representation in this case. Until that time, I was not familiar with the evidence obtained by or exchanged between the parties. Even now, I have not yet fully

reviewed all of that evidence. As a result, it is particularly prejudicial when the Defendants and their attorneys sandbag Mr. Butowsky (and me) with new evidence and new arguments in a reply. If the Defendants want to bring new objections to the pleadings to my attention – even if that means serving another draft Rule 11 motion – then I will deal with those objections in a timely and appropriate way.

Mr. Butowsky has spent most of the first three months of 2020 in and out of hospitals due to a severe medical condition, and this has complicated our attempts to respond to discovery requests. I can personally attest to Mr. Butowsky's hospitalization because I repeatedly visited him in the hospital.

DECLARANT SAYS NOTHING FURTHER.

April 3, 2020



Ty Clevenger